



TALBOT COUNTY PLANNING & ZONING OFFICE

Chapter 190, Article IX §190-186 Waivers

A. Purpose:

The waiver process allows applicants to request relief from strict compliance with certain provisions of these regulations. The process provides flexibility to address constraints unique to a particular site by authorizing the Planning Director or Planning Commission to waive certain requirements while approving alternative solutions that accomplish the purpose of this chapter.

B. Applicability:

A waiver may be granted only to provisions of this chapter for which the requirements specifically state that the provision is subject to a waiver application.

C. Procedures:

(1). Waiver applications shall be submitted to accordance with §190-170 of this Article and accompanied by the required fee.

(2). A waiver application shall be submitted at the same time as or during review of the application requiring the waiver. A waiver application may be submitted in conjunction with an application for approval of a site plan, subdivision plan or certificate of use.

(3). For site plans or subdivision plans that require TAC review, any necessary waiver application must accompany the plan on the TAC agenda.

(4). The Planning Commission shall make decisions on all waiver applications for major site plans, major subdivision plans and major revision plats unless otherwise defined herein.

(5). The Planning Director shall make decisions on waiver applications for minor site plans, minor subdivision plans, minor revision plats and certificates of use unless otherwise defined herein. The Planning Director may request a recommendation from the Planning Commission on any waiver application.



File Number: _____

Waiver Request

Applicant's Name: _____

Location of Property: _____

Tax Map: _____ Grid: _____ Parcel: _____ Lot: _____ Zone: _____

Type of Project: _____

The Planning Commission or Planning Director shall evaluate waiver applications based upon the following criteria:

(1). The waiver shall not have the effect of nullifying the intent and purposes of this chapter: _____

(2). Granting the waiver will not be detrimental to the public health, safety or welfare, or injurious to other property: _____

(3). The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property: _____

(4). Because of the particular physical surroundings, shape or natural features of the specific property involved, one of the following findings is made:

(a). A particular hardship to the applicant would result, as distinguished from a mere convenience, if the strict letter of these regulations is carried out, or,

(b). The purpose of this chapter are better accomplished by the alternative proposal made in the waiver application:

(5). The waiver complies with any criteria required by the specific section of this chapter from which a waiver is requested: _____

(6). **For Lot Size Waiver Request Only:** Zone: _____ State how the waiver will result in a better design for the particular revision or is necessary due to physical constraints of the tract of land: _____
